IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

Bail Appl..No. 4484 of 2007()

[CRIME NO.182 OF 2007 OF VADANAPPILLI POLICE STATION]

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PETITIONER/1ST ACCUSED:

ABDUL RAZAK, S/O. MAMMADU,
PUTHIYAVEETTIL HOUSE, VADANAPPILLY,CHAVAKKAD TALUK

BY ADV. SRI.M.SHAJU PURUSHOTHAMAN
SRI.K.S.RAJESH

RESPONDENTS: COMPLAINANT:

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
REPRESENTING THE S.I. OF POLICE, VADANAPPILLY.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.4484 of 2007

Dated this the 25th day of July 2007

O R D E R

Application for anticipatory bail. The petitioner faces allegations inter alia under Section 498A I.P.C. The petitioner is the husband of the de facto complainant. Marriage took place in 2002. One child has been born in the wedlock. There is strain in the matrimony. Crime has been registered on the basis of a complaint filed before the police. Investigation is in progress. The petitioner apprehends imminent arrest, his application for anticipatory bail was dismissed by the learned Sessions Judge by Annexure A order.

2. The learned counsel for the petitioner submits that because of the strain in the matrimony, baseless allegations are being raised against the petitioner.

3. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that the petitioner can be granted anticipatory bail subject to appropriate conditions to be imposed in the interests of a fair, efficient and expeditious investigation. In coming to this conclusion, I take note of the fact that the couple are blessed with a child and that arrest and incarceration of the petitioner is likely to mar the matrimonial relationship between the spouses. I take note of the fact that there is no allegation of any serious physical assault and the crux of the allegations is misappropriation of funds made available at the time of marriage.

4. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 01/08/2007.

ii) He shall be released on regular bail on condition that he executes a bond for Rs.25,000/-(Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 3 p.m on 02/08/2007 and 03/08/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of two months. Subsequently he shall so appear as and when directed by the investigating officer in writing to do so.

(iv) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(v) If he were arrested prior to 01/08/2007, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 01/08/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007